**A** **BILL**

TO AMEND SECTION 41‑35‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISQUALIFICATIONS FOR UNEMPLOYMENT BENEFITS, SO AS TO CHANGE THE BASIS FOR DISQUALIFICATION FOR “CAUSE CONNECTED WITH THE EMPLOYMENT” TO “MISCONDUCT CONNECTED TO THE EMPLOYMENT”, AND TO MAKE CONFORMING CHANGES, TO REDUCE THE MAXIMUM PERIOD OF THIS DISQUALIFICATION TO TWENTY WEEKS, TO DELETE A REQUIREMENT THAT THIS INELIGIBILITY PERIOD MUST BE DETERMINED BY THE DEPARTMENT IN EACH CASE ACCORDING TO THE SERIOUSNESS OF THE CAUSE FOR DISCHARGE, AND TO PROVIDE A FINDING OF DISCHARGE FOR MISCONDUCT MAY NOT BE MADE FOR DISCHARGE RESULTING FROM CIRCUMSTANCES RELATED TO AN EXTREME HARDSHIP, EMERGENCY, OR OTHER EXTRAORDINARY CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 41‑35‑120(2) of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“(2) Discharge for ~~cause~~ misconduct connected with the employment. If the department finds that he has been discharged for ~~cause~~ misconduct connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing ~~not less than five nor more than~~ for the next ~~twenty‑six~~ twenty weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. ~~The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge.~~ A ~~charge~~ finding of discharge for ~~cause connected with the employment~~ misconduct may not be made for ~~failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty~~ discharge resulting from circumstances related to an extreme hardship, emergency, or other extraordinary circumstance. ‘~~Cause~~ Misconduct connected with the employment’ as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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